



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

COPY MAILED

FEB 21 2006

In re Application of : **OFFICE OF PETITIONS**
Yazawa, et al. : DECISION REFUSING STATUS
Application No. 09/632,875 : UNDER 37 CFR 1.47(a)
Filed: August 4, 2000 :
Atty. Dkt. No.: 9281/3753 :
For: THIN-FILM MAGNETIC HEAD :
HAVING A HIGH RECORDING DENSITY :
AND FREQUENCY :

This decision is in response to the petition under 37 CFR 1.47(a), filed March 28, 2001.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed August 4, 2000 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed October 2, 2000 requiring an executed oath or declaration and a surcharge.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The instant petition fails to satisfy requirement (2) set forth above. Petitioners have failed to present a declaration in accordance with 37 CFR 1.63 and 1.64. Specifically, 37 CFR 1.64(b) sets forth that "[i]f the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

The declaration submitted herewith does not identify the deceased inventor nor does it identify the legal representatives as such; instead, the legal representatives appear to be improperly identified as joint inventors.

Any renewed petition must include a properly executed oath or declaration in compliance with 37 CFR 1.63 and 1.64.


Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By facsimile: (571) 283-8300

By hand: U.S. Patent & Trademark Office
Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

to the undersigned at (57

 Alesia M. Brown
 Petitions Attorney
 Office of Petitions